

## REMARKS

### **Claim Objections**

In response to the objections made to the claims for the misnumbering of claims 28-48, these claims have been amended herein and have been renumbered 29-49.

### **Drawings**

The drawings were objected to for failing to show every feature of the invention claimed, specifically the proximal portion of the sign body having a circular profile. In the amendments made to the claims herein, this subject matter has been deleted from the claims. These amendments of the claims overcome the basis for the drawing objections.

### **Specification**

The specification was objected to for failing to provide proper antecedent basis for the claimed subject matter, specifically the sign body, an extension of the at least one movable panel, and the circular profile on the proximal portion of the sign body. The amendments presented herein remove this subject matter from the claims. It is believed these amendments overcome the basis for the objection to the specification.

### **Claim Rejections – 35 U.S.C. § 112**

Claims 13, 14, 17, 28, and 31-35 were rejected under 35 U.S.C. § 112, for failing to provide antecedent basis for the subject matter of the claims. Each of these claims has been amended herein to remove the particular subject matter lacking antecedent basis, or to change the dependency of the claims to provide proper antecedent basis. It is believed that the amendments to the claims made herein overcome the basis for the rejection of the claims under 35 U.S.C. § 112.

## **Claim Rejections – 35 U.S.C. § 102**

Claims 1-3, 5, 6, 10-13, 15, 16, 20-22, 24-27, 36-46, 48, and 49 were rejected under 35 U.S.C. § 102(b) as being anticipated by the disclosure of the U.S. Patent of Sinkow No. 4,905,388. Of these rejected claims, claims 1, 10, 20, and 36 are independent claims. Each of these claims has been amended herein to recite subject matter of the invention that is not identically disclosed by the Sinkow reference, and is not suggested by the reference. It is therefore submitted that the amended independent claims 1, 10, 20, and 36 are allowable over the Sinkow reference, and that their dependent claims are allowable over the Sinkow reference.

It is a fundamental tenant of patent law that for a prior art reference to anticipate claimed subject matter, the reference must identically show every element of the claimed subject matter.

For a prior-art reference to anticipate, every element of the claimed invention must be identically shown in a single reference.

*In Re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Independent claim 1 has been amended herein to recite a sign comprising a pair of support panels with upper ends of the pair of panels being connected together by a pivoting connection, and a runner adjacent to the upper ends of the support panels and adjacent to the pivoting connection, with at least one movable panel engaging the runner. Thus, claim 1 now requires that the sign have a pair of support panels connected together by a pivoting connection, and a runner adjacent to the support panels and the pivoting connection.

In contrast to the above, the Sinkow reference discloses a desk calendar or organizer comprising a mounting panel 12, a support panel 36, and a plurality of sheets 22 that are all connected along their top edges by a spiral spring connector 30. The reference does not identically show a pair of support panels with a pivoting connection connecting the upper ends of the support panels, a runner adjacent the upper ends of the support panels and the pivoting connection, and at least one movable panel on the runner. Furthermore, the reference does not suggest the separate pivoting connection connecting the two support panels and the runner connecting the movable panel to the support panels recited in claim 1. All of the panels and sheets of the Sinkow reference are connected by the spiralling spring connector 30.

Because the Sinkow reference does not identically disclose or suggest the features of the invention set forth in claim 1, the reference fails to anticipate the subject matter of claim 1 and the claim is allowable over the prior art.

Claims 2, 3, 5, and 6 all depend from claim 1 and therefore are also allowable over the Sinkow reference.

Independent claim 10 has been amended herein to also recite first and second support panels connected together by a connection, a runner adjacent proximal ends of the first and second panels and being separate from the connection, and at least one movable panel engaging the runner. As explained above, the Sinkow reference does not identically disclose a pair of support panels, a connection joining the support panels, and a runner separate from the support panel connection and supporting a movable panel on the support panels. Because the Sinkow reference does not identically

disclose all of the subject matter of claim 10, the reference does not anticipate claim 10 and claim 10 is allowable over the prior art.

Claims 11-13, 15, and 16 all depend from claim 10 and therefore are allowable over the Sinkow reference.

Independent claim 20, like independent claims 1 and 10, recites a pair of support panels that are connected together by a pivoting connection, a runner positioned adjacent the proximal ends of the support panels and the pivoting connection, and at least one movable panel engaging the runner. Again, the Sinkow reference does not identically disclose or suggest a pair of panels with a pivoting connection connecting the panels, a runner positioned adjacent the pivoting connection, and a movable panel engaging the runner. Because the Sinkow reference does not identically disclose these features of the invention recited in claim 20, the reference does not anticipate claim 20, and the claim is allowable over the prior art.

Claims 21, 22, and 24-27 all depend from claim 20 and are therefore allowable over the prior art for the reasons set forth above.

Independent claim 36, like claims 1, 10, and 20, recites a floor sign comprising first and second support panels that are pivotally connected at their proximal ends by a pivot connection, a runner connected to the support panels, and a plurality of movable panels that are each mounted on the runner. Again, the Sinkow reference does not identically disclose the combination of features including a pair of support panels, a pivot connection connecting the support panels, a runner connected to the support panels, and a plurality of movable panels mounted on the runner. Because the Sinkow reference does not identically disclose or suggest the subject of the invention, the

reference does not anticipate claim 36. Claim 36 is therefore allowable over the prior art.

Claims 37-46, 48, and 49 all depend from claim 36 and therefore are allowable over the prior art for the reasons set forth above.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 4, 14, 23, 28, 30-35, and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Sinkow reference. Of the rejected claims, claim 4 depends from independent claim 1, claim 14 depends from independent claim 10, claims 23 and 28 depend from independent claim 20, and claim 47 depends from independent claim 36. Because the Sinkow reference provides no suggestion of a sign having both a pivot connection between a pair of support panels of the sign, and a runner mounting a movable panel to the pair of support panels, the Sinkow reference fails to make obvious the subject matter of the independent claims from which these dependent claims depend. The Sinkow reference therefore fails to make obvious the subject matter of the dependent claims, and the claims are allowable over the prior art.

Of the rejected claims, claim 30 is an independent claim that recites a method of changing a message of a sign, by placing the sign in a location for viewing where the sign includes a pair of support panels connected by a pivoting connection, and where a movable panel is connected to the support panels by a circular runner. Again, the Sinkow reference provides no suggestion of the combination of features recited in the method claim. The Sinkow reference therefore fails to make obvious the subject matter of independent claim 30, and claim 30 is allowable over the prior art.

Claims 31-35 all depend from claim 29 which has been allowed. It is therefore submitted that claims 31-35 are allowable over the prior art.

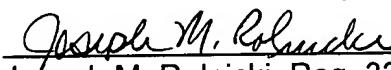
**Allowable Subject Matter**

Claims 7-9, and 17-19 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form.

Claims 7 and 17 have been rewritten in independent form herein, adding all of the subject matter of claim 1 to claim 7 and adding all of the subject matter of claim 10 to claim 17. It is therefore submitted that claims 7-9, and 17-19 are allowable over the prior art.

It is respectfully submitted that in view of the amendments and remarks presented herein, the application is in condition for allowance and a favorable action is requested.

Respectfully submitted,

  
\_\_\_\_\_  
Joseph M. Rolnicki, Reg. 32,653  
Thompson Coburn LLP  
One US Bank Plaza  
St. Louis, Missouri 63101  
Telephone: 314-552-6286  
Fax: 314-552-552-7286